

REMARKS/ARGUMENTS

Claims 1-10 are pending herein. Dependent claims 7-10 have been withdrawn as being drawn to a non-elected invention. Applicant respectfully submits that all claims pending herein define patentable subject matter over the applied references for at least the reasons explained below, and respectfully requests that the PTO issue a Notice of Allowance for this application in due course.

1. Claims 1-6 were rejected under §112, first paragraph. Applicant respectfully traverses this rejection.

Independent claim 1 recites, among other things, a mixing tube having a partition member that includes a plurality of holes formed therein, and each of the holes have the same size as one another.

The PTO asserted that there is no original support for the recitation of a plurality of holes, each having the same size as one another (Office Action, page 3, lines 16-18). Applicant respectfully submits, however, that the original disclosure does, in fact, support this feature for at least the reasons explained below.

In the drawing figures submitted when the application was filed, particularly Figs. 3 and 9, for example, Applicant submits that it is clearly shown that the holes formed in the partition members each have the same size as one another. It is well settled that the disclosure encompassed by the original drawing figures can properly support claim features.

In addition, the present specification repeatedly explains that the size of each of the holes 15c is one-half the size of one of the passage blocks 11 and 12 in Fig. 3 (see, for example, page 23, lines 6-8). Applicant respectfully submits that if each of the holes has a size that is one-half the size of one of the passage blocks, then all of the holes would have the same size as one another, whether the one passage block was passage block 12 or whether the one passage block was instead passage block 11.

Moreover, Applicant respectfully submits that Figs. 3 and 9 also show that the passage blocks 11 and 12 have the same size as one another. Along those lines, even if some of the holes in the partition member were one-half the size of passage block 11, and other holes were one-half the size of passage block 12, the holes would still be the same size as one another since the size of passage block 11 is the same as the size of passage block 12. In view of the above, Applicant respectfully submits that one skilled in the art would readily understand that the holes in the partition member would each have the same size as one another based on the support in the drawings and the original specification.

For at least the foregoing reasons, Applicant respectfully submits that the original disclosure provides proper support for all of the features recited in independent claim 1, and all claims depending therefrom. Accordingly, Applicant respectfully requests that the above rejection be reconsidered and withdrawn.

2. Claims 1-6 were rejected under §102(b) over Flint '209, Flint '632 and JP '078, each taken separately. Applicant respectfully traverses these rejections.

As explained in Section 1, independent claim 1 recites, among other things, a mixing tube having a structure that includes a partition member having a plurality of holes formed therein, and each of the holes have the same size as one another.

Applicant respectfully submits, however, that neither Flint '209, Flint '632 and JP '078 do not disclose or even suggest that each of the openings in the intermediate sheet have the same size as one another, as claimed.

Applicant respectfully submits that in Flint '209, the perforations in the intermediate sheet do not each have the same size as one another. That is, Applicant respectfully submits that while the total cross-sectional areas of the different sets of openings may be designed to be the same, Flint '209 explicitly discloses that the size of the openings in one set is actually larger than the size of the openings in another set (see Flint '209, Col. 6, lines 43-58).

In addition, Applicant respectfully submits that Flint '632 also expressly discloses that the circular openings in the intermediate sheet (e.g., holes in the partition member) have different diameters (see Flint '632, Col. 4, lines 25-33), and are not the same size as one another, as claimed.

Moreover, Applicant respectfully submits that JP '078 does not disclose that each of the holes in the partition member have the same size as one another, as claimed.

For at least the foregoing reasons, Applicant respectfully submits that Flint '209, Flint '632 and JP '078, each taken separately, do not disclose each and every feature recited in independent claim 1. Accordingly, Applicant respectfully submits that claim 1, and all claims depending directly or indirectly therefrom, define patentable subject matter over the applied references, and respectfully requests that the above rejections be reconsidered and withdrawn.

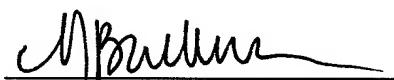
If the Examiner believes that contact with Applicant's attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicant's attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

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